

NOT FOR PUBLICATION

CASE CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

E. MICHELLE ANDERSON,

Plaintiff,

v.

PHOENIX HEALTH CARE, INC.,
ET AL.,

Defendants.

Civil Action No. 07-5592(SDW)

ORDER

August 10, 2009

Wigenton, District Judge

Before the Court are Motions to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and to Conditionally Certify Plaintiff's Claims as a Collective Action pursuant to 29 U.S.C. § 216(b). The Court heard oral argument on Friday, August 7, 2009.

For the reasons set forth on the record, the Offer of Judgment made to Plaintiff on November 14, 2008 in the amount of \$14,400 plus reasonable attorney's fees and costs, pursuant to Federal Rule of Civil Procedure 68, shall be paid to Plaintiff within 20 days of the date of this Order, and the Motion to Dismiss is granted and this case is dismissed with prejudice.

Further, for the reasons set forth on the record, the Motion to Conditionally Certify Plaintiff's Claims as a Collective Action is denied.

SO ORDERED.

S/Susan D. Wigenton, U.S.D.J.

cc: Madeline Cox Arleo, U.S.M.J.